UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL, INC., COMEDY PARTNERS, COUNTRY MUSIC. TELEVISION, INC., PARAMOUNT PICTURES CORPORATION, and BLACK ENTERTAINMENT TELEVISION, LLC, Plaintiffs, vs. YOUTUBE, INC., YOUTUBE, LLC, and GOOGLE, INC., Defendants.	NO. 07-CV-2203
THE FOOTBALL ASSOCIATION PREMIER LEAGUE LIMITED, BOURNE CO., et al., on behalf of themselves and all others similarly situated, Plaintiffs, vs. YOUTUBE, INC., YOUTUBE, LLC, and GOOGLE, INC., Defendants.	NO. 07-CV-3582

HIGHLY CONFIDENTIAL
VIDEOTAPED DEPOSITION OF DAVID KING
SAN FRANCISCO, CALIFORNIA
FRIDAY, DECEMBER 12, 2008

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CCRR, CLR
CSR LICENSE NO. 9830
JOB NO. 16211

DECEMBER 12, 2008

9:14 a.m.

HIGHLY CONFIDENTIAL VIDEOTAPED DEPOSITION OF DAVID KING, SHEARMAN & STERLING, 525 Market Street, San Francisco, California, pursuant to notice, before ANDREA M. IGNACIO HOWARD, CLR, CCRR, RPR, CSR License No. 9830.

A P P E A R A N C E S:

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A P P E A R A N C E S (Continued.)

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ALSO PRESENT:

CATHERINE LACAVERA, Google
KELLY TRUELOVE, Consultant
KEN REESER, Videographer.

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content."

Do you understand what that statement means?

A I do understand what that statement means, and that is an incorrect statement, and it was an incorrect statement as of February 2008.

Q I see.

And -- and what's incorrect about it?

A Publishers could place a claim on content and, in fact, had done so as of that date.

Q Okay. Now, what audio fingerprinting technology was YouTube using at the time of this e-mail? This is February 1, 2008.

MR. MANCINI: Objection to form.

THE WITNESS: I'm trying to place myself back in February. Certainly at that time YouTube was using audio fingerprinting technology from Audible Magic. I believe, but I may be mistaken in the matter of precise dates, that Google has a audio fingerprinting platform of its own, and I believe that it had been in operation by February of 2008, but once again, it -- I -- I might be slightly off --

MR. HART: Okay.

THE WITNESS: -- in -- by a matter of months.

Q Okay. Sitting here today, is YouTube still

using Audible Magic for audio fingerprinting?

A Yes, YouTube is still using Audible Magic for fingerprinting -- audio fingerprinting.

Q Audio fingerprinting?

A Audio fingerprinting.

Q And is YouTube also using a Google audio fingerprinting technology as well?

A Yes, YouTube is using a Google-powered audio fingerprinting technology concurrently.

Q Okay. And how does one create a fingerprint for the Google audio fingerprinting technology?

Did that require a content owner to submit the content to YouTube or Google to have a fingerprint created?

MR. MANCINI: Objection; lacks foundation; and objection to form.

THE WITNESS: No, it does not require submission of content to Google.

MR. HART: Okay.

Q Is the fingerprinting tool available to content owners so that they can create the fingerprints themselves?

MR. MANCINI: Objection; lacks foundation; and objection to form.